

complaint states a claim for relief; it is a challenge to subject-matter jurisdiction. Fed. R. Civ. P. 12(b)(1). A motion brought pursuant to Rule 12(b)(6) challenges whether a complaint states a claim for relief. Fed. R. Civ. P. 12(b)(6). Defendants filed a separate motion pursuant to Rule 12(b)(6). ECF No. 41. Thus, Doe's argument as to whether he has stated a claim for a violation of due process should be disregarded for purposes of Defendants' motion brought pursuant to Rule 12(b)(1) as the two concepts are mutually exclusive.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record.

/s/ Nathan H. Schnetzler
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